

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

CHAPTER 13 PLAN - MODIFIED

In re:

**Michelle Marie Neises
James Robert Neises**

Dated: **October 25, 2010****DEBTOR**Case No. **10-61046**

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- a. As of the date of this plan, the debtor has paid the trustee \$ **0.00** .
- b. After the date of this plan, the debtor will pay the trustee \$ **1,190.00** * per **Month** for **60** months, beginning within 30 days after the order for relief for a total of \$ **50,868.00** . The minimum plan payment length is 36 or **X** 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee _____
- d. The debtor will pay the trustee a total of \$ **50,868.00** [line 1(a) + line 1(b) + line 1(c)].

- 2. PAYMENTS BY TRUSTEE —** The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **5,086.80** , [line 1(d) x .10].

- 3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] —** The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>Total Payments</i>
-NONE-	\$ _____	_____	\$ _____
a. TOTAL			\$ 0.00

- 4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] —** The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
-NONE-	_____

- 5. CLAIMS NOT IN DEFAULT —** Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Property</i>
-NONE-	_____

- 6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] —** The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
-NONE-	\$ _____	\$ _____	_____	_____	\$ _____
a. TOTAL					\$ 0.00

- 7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] —** The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Int. rate (if applicable)</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
-NONE-	\$ _____	_____	\$ _____	_____	_____	\$ _____
a. TOTAL						\$ 0.00

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS** [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts)	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
a. Bank Of The West	\$ 14,112.00	\$ 11,000.00	5.25	1	\$ 208.85	60		\$ 12,530.72		\$ 0.00		\$ 12,530.72
b. Chase Manhattan	\$ 22,977.00	\$ 22,977.00	5.25	1	\$ 436.24	60		\$ 26,174.40		\$ 0.00		\$ 26,174.40
c. TOTAL												\$ 38,705.12

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 2,700.00	\$ 122.73	1	22	\$ 2,700.00
b. TOTAL					\$ 2,700.00

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: **-NONE-**
The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. -NONE-						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ **4,376.08** [line 1(d) minus lines 2, 6(a), 7(a), 8(c), 9(b) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ **3,112.00** .
b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ **101,033.00** .
c. Total estimated unsecured claims are \$ **104,145.00** [line 11(a) + line 11(b)].

12. **OTHER PROVISIONS** —

***The plan is a step plan which will pay as follows: \$1,190.00 Monthly for 1 months, then \$842.00 Monthly for 59 months**

Special Intentions:

Citimortgage Inc: Debtor is surrendering the Property to Creditor in full satisfaction of the secured claim. Creditor shall be allowed an unsecured claim for the deficiency balance owed.

Harley Davidson Financial: Debtor is surrendering the Property to Creditor in full satisfaction of the secured claim. Creditor shall be allowed an unsecured claim for the deficiency balance owed.

Us Bank: Debtor is surrendering the Property to Creditor in full satisfaction of the secured claim. Creditor shall be allowed an unsecured claim for the deficiency balance owed.

Title in any secured property will vest in Debtor upon payment of the secured portion of the creditor's claim and Debtor's Discharge. Debtor shall receive a discharge upon completion of the scheduled plan payments or upon payment of 100% of timely filed unsecured claims, whichever occurs first. Trustee shall not pay any untimely filed general unsecured creditors (excluding taxing authorities). Claims filed as secured but for which the plan makes no express provision shall be paid as unsecured claims as set forth in Paragraph 11 above.

A proof of claim may be filed by any entity that holds a claim against the debtor for taxes that become payable to a governmental unit while the case is pending and the trustee shall pay such claim as submitted as funds are available pursuant to 11 U.S.C. Statute 1305.

13 SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2].....	\$	5,086.80
Home Mortgage Defaults [Line 6(a)].....	\$	0.00
Claims in Default [Line 7(a)].....	\$	0.00
Other Secured Claims [Line 8(c)].....	\$	38,705.12
Priority Claims [Line 9(b)].....	\$	2,700.00
Separate Classes [Line 10(a)].....	\$	0.00
Unsecured Creditors [Line 11].....	\$	4,376.08
TOTAL [must equal Line 1(d)].....	\$	50,868.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Wesley W. Scott 0264787
Lund Kain Scott, PA
13 7th Ave. S
St. Cloud, MN 56301
320-252-0330
0264787

Signed **/s/ Michelle Marie Neises**

Michelle Marie Neises
DEBTOR

Signed **/s/ James Robert Neises**

James Robert Neises
DEBTOR (if joint case)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Bkty. Case No: 10-61046

Michelle Marie Neises
James Robert Neises,
Debtors.

NOTICE OF CONFIRMATION HEARING

PLEASE TAKE NOTICE that the Confirmation Hearing on the Chapter 13 Plan is scheduled November 16, 2010 at 10:00 a.m., at the U.S. Bankruptcy Court, 205 PO Building, Courtroom 2, 118 South Mill Street, Fergus Falls, Minnesota 56537.

Dated this 25th day of October, 2010

LUND KAIN & SCOTT

/e/ WESLEY W. SCOTT - #0264787

Attorney for Debtor
13 South Seventh Avenue
St. Cloud, Minnesota 56301
(320)252-0330

**UNITED STATES BANKRUPTCY COURT
District of Minnesota**

Case No: 10-61046

In re: Michelle Marie Neises
James Robert Neises

Debtors

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the Notice of Confirmation Hearing, Modified Chapter 13 Plan, Amended Schedule I, and Amended Schedule J were mailed to all parties in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail on October 25, 2010.

Date: October 25, 2010

/e/ WESLEY W. SCOTT - #0264787

EXHIBIT

BANK OF AMERICA
ATTN: BANKRUPTCY NC4-105-03-14
PO BOX 26012
GREENSBORO NC 27410

BANK OF AMERICA
4060 OGLETOWN/STANTON RD
NEWARK DE 19713

BANK OF THE WEST
PO BOX 8050
WALNUT CREEK CA 94596

BANK OF THE WEST
1450 TREAT BOULEVARD
WALNUT CREEK CA 94597

CHASE
PO BOX 15298
WILMINGTON DE 19850

CHASE MANHATTAN
ATTN: BANKRUPTCY RESEARCH DEPT
3415 VISION DR
COLUMBUS OH 43219

CITIBANK SD, NA
ATTN: CENTRALIZED BANKRUPTCY
PO BOX 20507
KANSAS CITY MO 64195

CITIMORTGAGE INC
PO BOX 9438
GAITHERSBURG MD 20898

DISCOVER FIN
ATTENTION: BANKRUPTCY DEPARTMENT
PO BOX 3025
NEW ALBANY OH 43054

FIRST NATIONAL BANK CREDIT CARD CENTER
ATTENTION: BANKRUPTCY DEPARTMENT
14010 FIRST NATIONAL BANK PARKWAY STOP
OMAHA NE 68154

GEMB / OLD NAVY
ATTENTION: BANKRUPTCY
PO BOX 103104
ROSWELL GA 30076

GEMB/JCP
ATTENTION: BANKRUPTCY
PO BOX 103104
ROSWELL GA 30076

HARLEY DAVIDSON FINANCIAL
ATTN: BANKRUPTCY
PO BOX 21850
CARSON CITY NV 89721

HERLEY-DAVIDSON CREDIT CORP
PO BOX 829009
DALLAS TX 75382

KOHL'S
ATTN: RECOVERY DEPT
PO BOX 3120
MILWAUKEE WI 53201

TNB-VISA
PO BOX 560284
DALLAS TX 75356

US BANK
4801 FREDERICA ST
OWENSBORO KY 42301

WELLS FARGO
PO BOX 60510
LOS ANGELES CA 90060

WFNNB/MAURICES
PO BOX 182124
COLUMBUS OH 43218

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Michelle Marie Neises
James Robert Neises
Debtor(s).

SIGNATURE DECLARATION

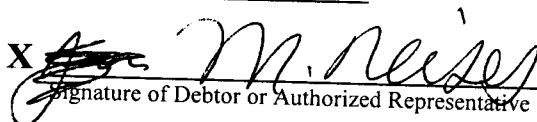
Case No. 10-61046

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☒ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (Please describe: _____)

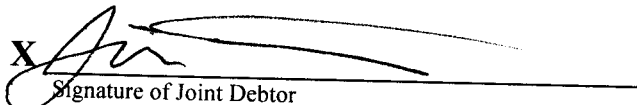
I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 10-13-10

X 
Signature of Debtor or Authorized Representative

Michelle Marie Neises
Printed Name of Debtor or Authorized Representative

X 
Signature of Joint Debtor

James Robert Neises
Printed Name of Joint Debtor

Form ERS 1 (Rev. 10/03)